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Remarks

The applicant provides the following remarks in response to the office action bearing a mailing date of April 4, 2006. Claims 1, 8, and 15-16 have been amended. Claims 1-16 are currently pending. The applicant respectfully requests withdrawal of the pending rejections in light of the foregoing amendments and the following remarks.

A. Rejections Under 35 U.S.C. § 102

Claims 1-2, 4, 6-8, 10, and 12-16 stand rejected as being anticipated by Campbell et al., U.S. Patent Application Publication 2005/0137530. The applicant respectfully traverses this rejection.

1. Claims 1-2, 4, and 6-7

Claim 1 sets forth a method of configuring a programmable pump that includes a combination of generating a user interface having a plurality of pages, at least one of the pages being a home page that is a starting page for the user interface on the pump, and displaying a banner in the home page. The amendment to this claim clarifies the originally intended meaning of the term "home page" as set forth in the application and clarifies the originally intended scope of the pending claim.

In contrast, Campbell et al. fails to teach or suggest any such home page. Rather, Campbell et al. teaches a Blank Screen, which is displayed after a Timed-Out delay has expired. It is a screen saver function and a power conservation function, not a home page. Although the Blank Screen may display at least one pixel, the pixel is "as an indication to the user that the infusion device is powered and operational." See, e.g., paragraphs 73-74. Therefore, the Blank Screen is not a "home page" as set forth in the present claims and described in the specification.

Further, when one wants to operate the pump, Campbell et al. teaches "the individual may access up to four different screens from the Blank Screen . . . including a Main Menu screen . . . , a Set Easy Bolus screen . . . , a Set Bolus screen . . . , or a Status screen." However, there is not a starting page in Campbell et al., but rather different access points to view different screens. See, e.g., paragraph 76. Therefore, Campbell et al. does not include any teaching that the Blank Screen or any other screens provide a starting page for a user interface. Claim 1 is patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

Claims 2, 4, and 6-7 are dependent claims and are also allowable over the art of record for the reasons stated herein.

2. Claims 8, 10, and 12-14

Claim 8 sets forth a pump with memory storing a user-defined banner that can contain any information defined by a user such as a patient, caregiver, administrator, or the like. The amendment to this claim clarifies the originally intended meaning of the term "banner" as set forth in the application and clarifies the originally intended scope of the pending claim.

In contrast, Campbell et al. fails to teach or suggest any such banner. The office action cites Figures 16, 22 etc. However, these figures and related passages in the detailed description merely disclose display screens for system status information, not a banner for user-defined information of the present invention. The fields in these display screens are pre-defined. For example, Campbell et al. discloses an Insulin Type screen "with a list of insulin formulation concentrations along with the type of reservoir (pre-filled or user-filled)." This list is for an individual to select the reservoir type along with

the insulin type. See, e.g., paragraph 106, and Figures 16 and 22. Each item on the list of the Insulin Type screen is system static information for the individual to select, not the banner of the present invention which can be any user-defined information.

Therefore, claim 8 is patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

Claims 10 and 12-14 are dependent claims and are also allowable over the art of record.

3. Claims 15 and 16

Claims 15 and 16 both set forth a pump having a processor programmed to (a) generate a user interface having a plurality of pages, at least one of the pages being a home page, the home page being a starting page for the user interface on the pump, (b) retrieve a banner from the data port, (c) store the banner in memory, and (d) display the banner in the home page. The amendment to these claims clarifies the originally intended meaning of the term "home page" as set forth in the application and clarifies the originally intended scope of the pending claims.

As discussed above, Campbell et al. fails to disclose a user interface having a home page that is a starting page for the user interface on the pump. Therefore, claims 15 and 16 are patentably distinct from Campbell et al., and the applicant respectfully requests withdrawal of the pending rejection.

B. Rejections Under 35 U.S.C. § 103

Claims 3, 5, 9, and 11 stand rejected as being obvious over Campbell et al. in view of Estes et al., U.S. Patent Application Publication 2003/0114836. The applicant respectfully traverses this rejection.

Claims 3 and 5 depends from claim 1 and includes all of the elements of claim 1, which is patentable because of at least the reasons stated above. Similarly, claims 9 and 11 depend from claim 8 and include all of the elements of claim 8, which is patentable because of at least the reasons stated above. Therefore, the applicant respectfully submits that claims 3, 5, 9, and 11 are also patentably distinct from the cited references and requests reconsideration and withdrawal of the pending rejection.

C. Conclusion

In light of the above amendments and remarks, the applicant respectfully submits that the pending claims are patentably distinct from the cited references, and request withdrawal of the pending rejection. The applicant does not necessarily concede the characteristics of the cited references and the pending claims set forth in the office action, and notes that there may be other reasons that then pending claims are patentably distinct in addition to those presented herein and reserves the right to raise any such arguments in the future.

Please call the undersigned attorney if there are any questions or if it would be helpful to discuss any issues during the examination of this application.



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A large, stylized handwritten signature in black ink, appearing to read "John C. Reich".

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